

MARK D. BRUTZKUS - Bar No. 128102  
JEFFREY A. KOBULNICK - Bar No. 228299  
BRUTZKUS GUBNER  
21650 Oxnard Street, Suite 500  
Woodland Hills, CA 91367  
Telephone: (818) 827-9000  
Facsimile: (818) 827-9099  
Email: mbrutzkus@brutzkusgubner.com  
jkobulnick@brutzkusgubner.com

Attorneys for Defendant/Cross-Claimant,  
**CITI TRENDS, INC.**

**UNITED STATES DISTRICT COURT**  
**FOR THE CENTRAL DISTRICT OF CALIFORNIA**

TEXKHAN, INC., a California  
Corporation, individually and doing  
business as HYUP SUNG T.R.D.,

Plaintiff,

v.

MACKSON, INC., a New York  
Corporation, individually, and d/b/a/  
"DENIM-LICIOUS" and "SHE'S SO  
COOL"; ROSS STORES, INC., a  
California Corporation; CITI TRENDS,  
INC., a Delaware Corporation; A & E  
STORES, INC., a New York  
Corporation, individually and d/b/a  
"STRAWBERRY"; and DOES 1  
through 10,

Defendants.

CITI TRENDS, INC., a Delaware  
Corporation,

Cross-Claimant,

v.

MACKSON, INC., a New York  
Corporation, individually, and d/b/a/  
"DENIM-LICIOUS" and ROES 1  
through 10, inclusive,

Cross-Defendants.

Case No. CV16-00611 ODW (AFMx)

**NOTICE OF NON-OPPOSITION TO  
CROSS CLAIMANT'S MOTION FOR  
ENTRY OF DEFAULT AGAINST  
CROSS-DEFENDANT MACKSON,  
INC. d/b/a "DENIM-LICIOUS";  
DECLARATION OF JEFFREY A.  
KOBULNICK IN SUPPORT  
THEREOF**

Assigned to: Honorable Otis D. Wright II

**TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE THAT Defendant/Cross-Claimant CITI TRENDS, INC. ("Cross-Claimant") has not received any opposition to its Motion for Entry of Default Judgment Against Cross-Defendant Mackson, Inc. d/b/a "Denim-licious" and d/b/a "She's So Cool" (the "Motion") which was filed with this Court on August 16, 2016 [ECF 47].

Cross-Claimant served the Motion and all moving papers on Cross-Defendant Mackson, Inc. on August 18, 2016, as evidenced by the Proof of Service. See the accompanying Declaration of Jeffrey Kobulnick ("Kobulnick Decl.") ¶3 and Exhibit A thereto. The Motion designated September 19, 2016 as the hearing date for the Motion thus, pursuant to Local Rule 7-9, Mackson's deadline to file opposing papers or statement of non-opposition was August 29, 2016. No opposition papers or statement of non-opposition has been filed to date. Kobulnick Decl., ¶4.

Accordingly, it is respectfully submitted that all points set forth in the Motion should be taken as undisputed. *See* Local Rule 7-12; *see also* *Alipot v. Aurora Loan Servs., LLC*, CV 09-08431 DDP (EX), 2010 WL 365975 (C.D. Cal. Jan. 25, 2010); *Pennix v. Gonzalez*, CV 11-8642-JSL RNB, 2013 WL 3967972 (C.D. Cal. July 31, 2013) (citing *See Link v. Wabash R.R.*, 370 U.S. 626, 629–30, 82 S.Ct. 1386, 8 L.Ed.2d 734 (1962)).

Dated: September 2, 2016

BRUTZKUS GUBNER

By: /s/ Jeffrey A. Kobulnick  
 MARK D. BRUTZKUS  
 JEFFREY A. KOBULNICK  
 Attorneys for Defendant/Cross-Claimant,  
**CITI TRENDS, INC.**

**DECLARATION OF JEFFREY A. KOBULNICK**

I, JEFFREY A. KOBULNICK, declare as follows:

1. I am an attorney licensed to practice in the State of California. I am a partner in the law firm of Brutzkus Gubner, attorneys of record for Defendant/Cross-Claimant, CITI TRENDS, INC. ("Cross-Claimant") in this action. All facts contained herein are within my personal knowledge and, if called as a witness, I could and would competently testify thereto.

2. This Declaration is made in support of Cross-Claimant's Notice of Non-Opposition to its Motion for Entry of Default Judgment Against Cross-Defendant Mackson, Inc. d/b/a "Denim-licious" and d/b/a/ "She's So Cool" (the "Motion") which was filed with this Court on August 16, 2016 [ECF 47].

3. My firm caused to have served the Motion and all moving papers on Cross-Defendant Mackson, Inc. on August 18, 2016 via personal service on Gopal Sherme, an adult located at Mackson, Inc.'s business address at 340 W. 1<sup>st</sup> Avenue Roselle, NJ 07203 who indicated to the process server that he was authorized to accept service of the documents. A true and correct copy of the Proof of Service on Mackson, Inc. is attached hereto as Exhibit A hereto.

4. Mackson has failed to file or serve a response to the Motion and the time period in which it was required to serve its response to the Motion has expired.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed this 2<sup>nd</sup> day of September, 2016 at Woodland Hills, California.

By: /s/ Jeffrey A. Kobulnick

**JEFFREY A. KOBULNICK**

# **EXHIBIT “A”**

ATTORNEY OR PARTY VOLUNTARILY APPEARING (Name and Address) Mark D. Brutzkus [SBN 128102] BRUTZKUS GUBNER ROZANSKY SEROR WEBER 21650 Oxnard Street, Suite 500 Woodland Hills, CA 91367 Tel. (818) 827-9000 Attorney(s) for: Citi Trends, Inc. Ref.: 32027611.axh		FOR COURT USE ONLY	
UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA			
TEXKHAN, INC., etc. v. MACKSON, INC., etc.; et al.			
<b>PROOF OF SERVICE</b>	DATE:	TIME:	DEPT
			CASE NUMBER: CV16-00611 ODW (AFMx)

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the:

- Notice of Motion and Motion for Entry of Default Judgment Against Cross-Defendant Mackson, Inc. d/b/a "Denim-Licious" and d/b/a "She's So Cool"; Declaration of Jeffrey A. Kobulnick in Support Thereof
- [Proposed] Order Granting Default Judgment Against Cross-Defendant Mackson, Inc. d/b/a "Denim-Licious" and d/b/a "She's So Cool" on Cross-Complaint
- Declaration of Jeffrey A. Kobulnick in Support of Cross Claimant's Motion for Default Judgment Against Cross-Defendant Mackson, Inc.

2. a. Party served: MACKSON, INC., a New York Corporation

b. Person with whom left: GOPAL SHERME

c. Title or Relationship: Front Desk / Authorized to Accept

d. Address: 340 W. 1<sup>st</sup> Avenue  
Roselle, NJ 07203

e. ☒ Business ☐ Residence ☐ Other

3. I served the party named in item 2a. by personally delivering the copies to the person served as follows:

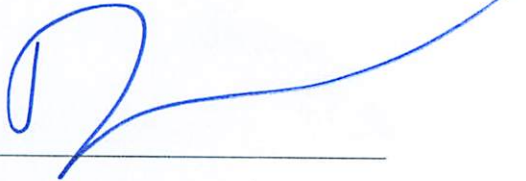
(1) on: August 18, 2016

(2) at: 10:00 AM

4. Person serving:  
KEVIN DUNN  
ASAP Legal Solution  
1607 James M. Wood Blvd.  
Los Angeles, CA 90015  
(213) 252-2000

5. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: August 29, 2016



Proof of Service complies with CRC 982(a)(23) as required by CCP 417.10

PROOF OF SERVICE